

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

KIM S. SMITH;

Plaintiff/Counter-Claim Defendant,

v.

DEBORAH HARDWICK GROSSMAN,  
R.N., B.S.N., J.D.;

Defendant/Counter-Claim Plaintiff,

\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*

3:07cv248WHA

NO ORAL ARGUMENT

**PLAINTIFF/COUNTER-CLAIM DEFENDANT'S MOTION TO EXTEND TIME  
FOR RESPONSE TO DEFENDANT/COUNTER-CLAIM PLAINTIFF'S MOTION  
TO DISMISS AMENDED COMPLAINT**

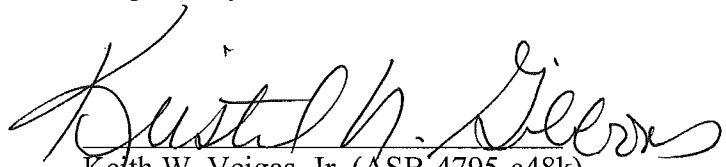
COMES NOW the Plaintiff/Counter-Claim Defendant, Kim S. Smith, by and through her counsel of record, and hereby respectfully requests this Honorable Court to extend the time for which the Plaintiff/Counter-Claim Defendant's response is due from on or before May 16, 2007 (Document 8) to May 23, 2007 and as grounds hereto states as follows:

1. The Plaintiff/Counter-Claim Defendant first received this Honorable Court's Order (Document 8) through the mail on April 26, 2007 along with a cover sheet notifying all attorneys of record of the mandatory electronic filing and the notification of the need to register immediately.
2. April 26, 2007 was the first notification to the undersigned that a response was filed by Defendant/Counter-Claim Plaintiff Motion to Dismiss Amended Complaint (Document 6) even though the Defendant/Counter-Claim Plaintiff stated in Document 6 that service to the undersigned was sent via United States mail. As of this date, the undersigned has not received it through the mail.
3. Upon receipt of this Court Order (Document 8), the undersigned contacted the Clerk of the Court for the Middle District and obtained the instructions for registering for electronic filing. Receipt of the necessary passwords and login information came to the undersigned within the next day or so. Therefore, it wasn't until the end of the month of April that the undersigned was able to log on electronically, review the filings, and print off the Defendant/Counter-Claim Plaintiff's Motion to Dismiss as well as the Answer and Counter-Claim and other filings which occurred since the filing of the lawsuit.

4. Counsel for the Plaintiff/Counter-Claim Defendant has left voice messages for counsel for Defendant/Counter-Claim Plaintiff, George Beck to inquire as to whether he would have any objections to a brief extension for the undersigned's show cause response which is due May 16, 2007 per this Honorable Court's Order (Document 8). As of this filing, the undersigned has not heard back from Mr. Beck's office as to whether or not he had an objection to this extension.
5. The parties will not be prejudiced should this Honorable Court extend the Plaintiff/Counter-Claim Defendant's time in which to file a Motion to Show Cause as to why the Defendant/Counter-Claim Plaintiff's Motion to Dismiss should be denied.

WHEREFORE premises considered, the Plaintiff/Counter-Claim Defendant hereby respectfully requests this Honorable Court to enter an order extending the time for which the Plaintiff/Counter-Claim Defendant's time in which to show cause as to why the Defendant/Counter-Claim Plaintiff's Motion to Dismiss should be denied from May 16, 2007 to May 23, 2007.

Respectfully submitted,



Keith W. Veigas, Jr. (ASB-4795-a48k)  
Kristel N. Gibbons (ASB-1866-n74k)  
Attorney for Plaintiff/Counter-Claim  
Defendant

OF COUNSEL:

Patton & Veigas, P.C.  
1200 20<sup>th</sup> Street South, Suite 200  
Birmingham, Alabama 35205  
205.212.1000 telephone  
205.212.0000 facsimile

**CERTIFICATE OF SERVICE**

I hereby certify that I have served a copy of the foregoing upon the following by electronic filing through the EM/CF filing and by placing a true and correct copy of same in the United States mail postage pre-paid and properly addressed on this the 15<sup>th</sup> day of May, 2007.

George L. Beck, Jr.  
Capell & Howard, P.C.

P.O. Box 2069  
150 South Perry Street  
Montgomery, Alabama 36102-2069  
334.241.8000 telephone  
334.323.8888 facsimile

Of Counsel:  
William O. Walton, III  
Suite 304  
2515 East Glenn Avenue  
Auburn, Alabama 36830



Of Counsel